

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**JUAN DUKE, and  
LINDA LYMON**

**Plaintiffs,**

**vs.**

**A.R.D. EXPRESS, INC. and  
ION RAZVAN**

**Defendants.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**NO. \_\_\_\_\_**

**JURY DEMAND**

---

**COMPLAINT**

---

Juan Duke and Linda Lymon through the undersigned counsel respectfully submit this Complaint and state as follows:

1. Plaintiff Juan Duke is a resident and citizen of Columbia, Maury County, Tennessee.
2. Plaintiff Linda Lymon is a resident and citizen of Columbia, Maury County, Tennessee.
3. Upon information and belief, Defendant Ion Razvan is a resident and citizen of St. Louis, Missouri.
4. Defendant A.R.D. Express, Inc., is a foreign corporation and may be served by registered agent.
5. Mr. Duke's and Ms. Lymon's causes of action arise in tort as a result of injuries sustained due to the negligent operation of a motor vehicle driven by Ion Razvan, in Maury County Tennessee on or about October 29, 2020.

6. All events which form the basis of this Complaint occurred in Maury County, Tennessee. Venue is appropriate in this Court pursuant to 28 U.S.C. §1391(b).

7. This Court has subject matter jurisdiction over the matter pursuant to 28 U.S.C. §1332(a).

8. This Court has general jurisdiction of this matter pursuant to Tenn. Code Ann. § 16-10-101.

9. On or about October 29, 2020, Defendant Ion Razvan was operating a tractor trailer travelling eastbound on Highway 396 in Spring Hill, Maury County, Tennessee.

10. At the same time, Plaintiff Juan Duke was driving a vehicle also travelling eastbound on Highway 396 in Spring Hill, Maury County, Tennessee.

11. Plaintiff Linda Lymon was a passenger in the vehicle driven by Juan Duke.

12. Defendant Ion Razvan attempted to change lanes and slammed into the vehicle driven by Juan Duke, forcing Mr. Duke's vehicle off the road and onto the grass shoulder.

13. Defendant Ion Razvan was guilty of one or more of the following acts of common law negligence, each and every one of which were a direct and proximate cause of the injuries complained of, to-wit.

14. Negligently changing lanes improperly.

15. Negligently failing to maintain a proper lookout.

16. Negligently failing to maintain a proper lookout.

17. Negligently failing to devote full time and attention to the operation of a motor vehicle.

18. Negligently failing to maintain proper control of the vehicle.

19. Negligently failing to exercise the degree of care and caution required of a reasonable, prudent person under the same or similar circumstances.

20. Defendant Ion Razvan was guilty of violating the following statute of the State of Tennessee, being in full force and effect at the time and place of the collision herein, and such violation constituting a separate and distinct act of negligence *per se*, and each and every such act constituting a direct and proximate cause of Plaintiffs' injuries and damages, to-wit:

- a. Tenn. Code Ann. § 55-8-136. Drivers to exercise due care.
- b. Tenn. Code Ann. § 55-8-123(1). Drivers to remain in lane.

21. At all times relevant to the matters alleged herein, Defendant Ion Razvan was the agent, servant, and/or employee, or both, of Defendant A.R.D. Express, Inc.

22. At all times relevant to the matters herein, Defendant Ion Razvan was acting in the course and scope of his agency relationship, servitude and/or employment, or both, with Defendant A.R. D. Express, Inc.

23. Defendant A.R.D. Express, Inc. is liable to Mr. Duke and Ms. Lymon for the negligence of Defendant Ion Razvan pursuant to the principles of the agency, employment, bailment and/or under the presumptions set forth at Tenn. Code Ann. §§ 55-10-311 and 55-10-312.

24. Defendant A.R.D. Express, Inc. is vicariously liable for the acts, omissions, or both, of Defendant Ion Razvan described herein under the doctrine of Respondeat Superior.

25. Defendant A.R.D. Express, Inc. was negligent in its hiring, training, and supervision of Defendant Razvan.

26. Plaintiffs Juan Duke and Linda Lymon as a direct and proximate result of one or more of the above acts of negligence and violation of state statutes suffered the following injuries and damages:

- (a) Serious personal injuries;
- (b) Physical pain both past and future;
- (c) Medical expenses both past and future;
- (d) Loss of income;
- (e) Mental and emotional anguish, both past and future;
- (f) Impairment of the ability to enjoy the normal pleasures of life.

RELIEF SOUGHT

WHEREFORE, Plaintiffs request the following relief:

- 1. That this matter be set for trial before a jury;
- 2. An award of all recoverable compensatory damages, in an amount in excess of \$75,000 to be determined by the jury; and
- 3. Any further relief the Court may deem proper.

Dated this the 12<sup>th</sup> day of October 2021.

Respectfully Submitted,

/s/Kathryn E. Barnett  
Kathryn E. Barnett (BPR#015361)  
**MORGAN & MORGAN – NASHVILLE, PLLC**  
810 Broadway, Suite 105  
Nashville, Tennessee 37203  
Phone: (615) 490-0943  
*Counsel for Juan Duke and Linda Lymon*